



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:** Borgmeier et al.

**Serial No.:** 10/694,627

**Filed:** October 27, 2003

**For:** APPARATUS FOR  
NONINVASIVELY MEASURING  
HEMATOCRIT AND ASSOCIATED  
METHODS

**Confirmation No.:** 2621

**Examiner:** L. Cohen

**Group Art Unit:** 3739

**Attorney Docket No.:** 1258.01-6172US

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 13, 2006  
Date

Signature

Erika Gandre  
Name (Type/Print)

**RESPONSE TO RESTRICTION REQUIREMENT  
AND PRELIMINARY AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication follows the Failure to Acceptably Respond to Notice of Non-Compliant Amendment under 37 C.F.R. 1.121 dated February 27, 2006, and the Notice of Non-Compliant Amendment of January 20, 2006, the one month shortened statutory period for response to which expired on February 20, 2006.

Prior reference to the cancellation of claims 21-51 without prejudice or disclaimer has been replaced with the cancellation of claims 21-52 without prejudice or disclaimer.

This communication is also responsive to the Restriction Requirement mailed on November 17, 2005, the one-month shortened statutory period for response to which expired on December 17, 2005.

**Serial No. 10/694,627**

An amendment to the specification appears on page 3 of this paper;

A listing of the claims, in which revisions to the claims are set forth, begins on page 4 of this paper; and

Remarks start at page 8 of this paper.